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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/753,524	10/753,524 01/09/2004		Shunpei Yamazaki	07977-218003 / US3531/361	7877	
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FISH & RICHARDSON P.C. P.O. BOX 1022				MONDT, JO	MONDT, JOHANNES P	
MINNEAPOLIS, MN 55440-1022				ART UNIT	PAPER NUMBER	
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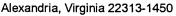
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## UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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APPLICATION NO.1

CONTROL NO.10/753 524 JANUARY 9, 2004

FIRST NAMED INVENTOR IS HUNPE; YAMAZALI ATTORNEY DOCKET NO. 07977- 218 003/
US 35 31/3615 Dt.D.1

EXAMINER

JOHANNES MONDT

ART UNIT PAPER

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## **Commissioner for Patents**

Receipt is acknowledged of an Amendment received 7/19/05. However, the submission is not fully responsive to the prior office action because the newly submitted claims are directed to an invention that is independent and distinct from the originally claimed invention for the following reasons: specifically, the new invention is directed towards a personal computer comprising a semiconductor film and gate electrode as claimed both now and in the original claims, but now claimed to also comprise a metal element contained in said semiconductor film, a layer comprising an element selected from titanium, tungsten, tantalum and molybdenum provided adjacent source or drain region with silicide therebetween, an interlayer insulating film over said semiconductor film and said gate electrode, and a contact hole in said interlayer insulating film and over said source or drain region and said layer (only), while, in contrast, the original invention was directed to a personal computer comprising said semiconductor film and gate electrode but comprising lattices continuously connected to each other at grain boundary of said smeiconductor film according to high resolution TEM (only). The two inventions, i.e., the originally claimed and newly claimed invention, relate as species because nothing in the originally claimed invention implies the claim limitations in the newly claimed invention, vice versa. Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original representation for prosecution on the merits. Accordingly, claims 21-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 C. F.R. 1.142(b) and MPEP, paragraph 821.03. Therefore, since there are no pending claims drawn to the originally examined invention, the submission must be consdiered non-responsive. Because the above-mentioned reply appears bona fide, Applicant is given ONE (1) MONTH OR THRITY (30) DAYS from the mailing date of this Notice, whichever is longer, within which to supply the omission or correction in order to avoid abandoment. This shortened statutory period of reply supersedes the time period set in the prio office action. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R 1.136(a).

latent Examiner

JOHANNES MONDY